

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA FOR THE
USE OF DONALD B. MURPHY
CONTRACTORS, a Washington corporation;

Plaintiff,

vs.

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, a Connecticut
corporation (Bond No. 041-SB-105826131;
TRAVELERS INDEMNITY COMPANY, a
Connecticut corporation (Bond No. 041-SB-
105826131; KIEWITPHELPS, a joint venture;
and DRAKE-WILLIAMS STEEL, INC.,

Defendants.

8:15CV48

ORDER

A telephone conference before the undersigned was held on March 14, 2017. In accordance with the matters discussed during the conference,

IT IS ORDERED as follows:

1. The **Final Pretrial Conference** with the assigned magistrate judge is set for **September 1, 2017, at 10:00 a.m.** in chambers, 111 South 18th Plaza, Suite 2271, Roman L. Hruska United States Courthouse, Omaha, Nebraska. The final pretrial conference shall be attended by lead counsel for represented parties. Prior to the pretrial conference, counsel shall complete all items as directed in NECivR [16.2](#).¹ By the time of the pretrial conference, full preparation for trial shall have been made so that trial may begin immediately thereafter. The pretrial conference will include a discussion of settlement, and counsel shall be prepared through investigation, discovery and communication with clients and insurers, if any, to discuss fully the subject of settlement, including realistic expectations about liability, obstacles to agreement,

¹ All personal information should be redacted from the public version of the order and/or attachments filed with the Clerk. See NECivR 5.3.

offers made, and offers which can be made at the conference. Counsel shall be prepared to make additional offers or proposals for settlement in behalf of their clients at the pretrial conference, and counsel shall be prepared to make or opine on recommendations for further negotiations and conferences.

2. **A thirteen (13) day jury trial** is set to commence, at the Court's call, during the week of **September 18, 2017**, Nebraska, before the **Honorable Joseph F. Bataillon**, United States District Judge. Unless otherwise ordered, jury selection shall be at the commencement of trial.

3. The parties are directed to meet and confer to discuss possible resolution of KiewitPhelps's Motion to Compel. ([Filing No. 183](#).) Plaintiff shall review the documents it has identified as privileged based on the inclusion of Steven Stylos, and evaluate whether Stylos was included in the document based on his role as corporate counsel and for the purpose of receiving legal advice. By **April 3, 2017**, the parties shall advise the Court as to whether this discovery dispute has been resolved. If the parties have not resolved the dispute, the Court will schedule another telephone conference to discuss the matter further.

4. The clerk of court is directed to set a case management deadline in this case using the following text: "April 3, 2017: Check Status of Motion to Compel, Filing No. 183."

Dated this 14th day of March, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge